

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA §
 §
VS. § MAGISTRATE ACTION NO. C-09-
 § 1068
 §
HECTOR ALEJANDRO RIOS-UBALDO

MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the defendant pending trial in this case:

- (1) There is a serious risk that the defendant will not appear for court as required; and
- (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

The evidence against the defendant is substantial. The defendant admitted he was going to be paid to transport an undocumented alien. The findings and conclusions contained in the Pretrial Services Report are adopted. The defendant is a resident alien facing deportation if convicted and has substantial contacts with Mexico. He is unable to post a cash deposit or produce a co-surety to address risk of flight. Because the defendant has no criminal history, the issue of bond will be reconsidered if defendant is able to post a cash deposit and produce an acceptable co-surety and third party custodian.

The defendant is committed to the custody of the Attorney General or his

designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 19th day of November, 2009.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE